THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PETER PONZINI, ESQUIRE and

MIRYEM BARBAROS, as

Co-Administrators of the Estate of :

Mumun Barbaros, Deceased, :

:

Plaintiffs,

v. : 3:11-CV-00413

(JUDGE MARIANI)

PRIMECARE MEDICAL INC., et al.,

:

Defendants.

ORDER

AND NOW, THIS 30 DAY OF AUGUST 2017, upon consideration of Dr. Alex Thomas' "renewed motion [] for judgment as a matter of law or, in the alternative, motion for a new trial or, in the alternative, motion to alter or amend the judgment (remittitur)" (Doc. 354), IT IS HEREBY ORDERED THAT Dr. Alex Thomas' motions are GRANTED IN PART AND DENIED IN PART as follows:

- Dr. Alex Thomas' renewed motion for judgment as a matter of law on Plaintiffs' section 1983 claim is GRANTED.
- Pursuant to Federal Rule of Civil Procedure 50(c), should the Court of
 Appeals reverse or vacate the Court's entry of judgment as a matter of law
 for Dr. Alex Thomas on Plaintiffs' section 1983 claim, the Court conditionally
 DENIES Dr. Thomas' motion for a new trial.

- 3. Dr. Thomas' motion for judgment as a matter of law on Plaintiffs' negligence claim is **DENIED**.
- 4. Dr. Thomas' motion for a new trial on Plaintiffs' negligence claim is **DENIED**.
- 5. Dr. Thomas' motion for a new trial on damages and/or remittitur is **DENIED**.

Robert D. Mariani

United States District Judge